

**STATE OF NEW HAMPSHIRE
BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS
CONCORD, NH**

**In the matter of:
Precious Nails, Inc.
Shop License #3857**

DOCKET #24-BAR-039

**Owner: Vivian Mai
Personal License #15548**

Hieu Doan (unlicensed)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of Barbering, Cosmetology, and Esthetics, the New Hampshire Board of Barbering, Cosmetology, and Esthetics (“Board”) and Precious Nails Inc., (“Shop”), a nail salon currently licensed by the Board, and owner Vivian Mai, (“Licensee”) (together as “Respondents”) do hereby stipulate and agree to resolve certain allegations of violations of rules and laws regulating the profession now pending before the Board according to the following terms and conditions:

1. Pursuant to NH RSA 313-A:21 and N.H. Code Admin. R Bar (“Bar”) 404.01, Board inspectors have jurisdiction to conduct inspections of shops, tanning salons, and schools.
2. Pursuant to NH RSA 310:12, NH RSA 313-A:22, and Bar 404.04, the Board has the authority to issue disciplinary sanctions of statutes and rules.
3. Pursuant to NH RSA 310:10, VIII, and Plc 205.04(a), the Board may, at any time, dispose of such allegations by settlement, and without commencing a disciplinary hearing.

4. The Board first granted Licensee a manicurist license on 3/12/03, license #15548 and it is set to expire on 10/31/25. The Licensee was also granted an esthetician license #15548 on 10/13/09 and that is set to expire on 10/31/25.
5. The Board granted Shop at 19 Manchester Road, Derry, NH, 03038, shop license #3857 on 9/19/14 and it is set to expire on 10/31/25.
6. On 11/28/23, a Board inspector conducted a routine inspection of Respondents which resulted in alleged violations totaling 626 points. On 4/18/24, the Board reviewed the inspection report and in response, voted to initiate a disciplinary adjudicative proceeding in this matter.
7. Respondents stipulate to the following facts:
 - A. On 11/28/23, a Board inspector conducted a routine inspection of Shop at 19 Manchester Road, Derry, NH, 03038.
 - B. As a result of the inspection, the inspector found violations totaling 626 points of which:
 - i.* Five Hundred and Seventy-Six (576) points relate to health and safety to include, four workstations contained nail dust; four scrub containers were open and spoons were left inside the containers; seven disposable nail files, toe separators, and pumice stone was found in a drawer with debris and nail clippings; and ten drill bits were found in a container with nail dust and debris; eyewash bottles were empty; Safety Data Sheets were incomplete.
 - ii.* Fifty (50) points relate to licenses and certifications to include Tam T. Le, license #31478 had a pocket card posted.

8. The Board finds that Respondents committed the acts described above and concludes that, by engaging in such conduct, Respondent violated NH RSA 313-A:22, II(i), RSA 313-A:17, (see Bar Rules 302.07(m), 302.07(c)(1)(2)(5)(7)(8), 302.05(ai), 302.05(m), 404.09(f) and 501.02(a)).
9. Respondents acknowledge that the allegations and facts set forth above constitutes grounds for the Board to impose disciplinary sanctions against their license to operate as a Board licensee in the State of New Hampshire.
10. WHEREFORE, Respondents consent to the Board imposing the following discipline, pursuant to RSA 310:12.
 - A. Respondents are **REPRIMANDED**.
11. The Board may consider Respondents' compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondents' licenses.
12. The Board agrees that in return for Respondents executing this *Settlement Agreement* the Board will not proceed with the formal adjudicatory process based upon the facts described herein. However, the Board may consider this misconduct as evidence of a pattern of conduct if similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondents in the future.
13. This *Settlement Agreement* shall become a permanent part of Respondents' file, which is maintained by the Board as a public document.

14. Respondents voluntarily enter and sign this *Settlement Agreement* and states that no promises or representations have been made other than those terms and conditions expressly stated herein.
15. Respondents understand that Respondents' action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration, judicial review, or appeal.
16. Respondent agrees to support the adoption of this agreement by the Board.
17. Respondent understands that this agreement is an adverse action against Respondent's license and will be reported to all relevant jurisdictions.
18. Respondents have had the opportunity to seek and obtain the advice of an attorney of Respondents' choosing in connection with the decision to enter into this *Settlement Agreement*.
19. Respondents are not under the influence of any drugs or alcohol and are otherwise of sound mind at the time of signing this *Settlement Agreement*.
20. Respondents understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondents specifically waives any claims that any disclosures made to, or by, the Board surrounding its review of this *Settlement Agreement* have prejudiced Respondents' right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
21. Respondents certify that he/she has read this document titled *Settlement Agreement*. Respondents understands that he/she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he/she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his/her

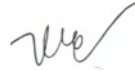
own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondents fully understand the nature, qualities and dimensions of these rights. Respondents understand that by signing this *Settlement Agreement*, he/she waives these rights as they pertain to the misconduct described herein.

22. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board and shall become final after 30 days pursuant to Plc 205.04.

[Signatures on next page.]

FOR RESPONDENT

Date: June 27th, 2024



Vivian Mai (Owner)
Personal License #15548

Precious Nails (Shop)
Shop #3857
Respondents

FOR THE BOARD/*

Accepted by the Board of Barbering Cosmetology and Esthetics on this 15 day of July, 2024 ("Effective Date").

Jane Chappell
(Signature)

Jeanne Chappell
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Barbering,
Cosmetology, and Esthetics

/*Board members recused: